

U.S. Department of Labor

Office of Administrative Law Judges
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Pittsburgh, PA 15220

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Issue date: 31Jan2002

CASE NO. 2000-ERA-30

In the Matter of:

PAUL J. SUDNAK
Complainant

v.

UNION ELECTRIC COMPANY,
d/b/a AMEREN UE
Respondent

AND

CASE NO. 2002-ERA-2

In the Matter of:

PAUL J. SUDNAK
Complainant

v.

AMEREN UE
Respondent

RECOMMENDED DECISION AND ORDER

These are proceedings arising under the Energy Reorganization Act ("ERA"), 42 U.S.C. § 5851, and its implementing regulations at 29 C.F.R. Part 24. On January 15, 2002, respondent's counsel submitted a Motion to Dismiss with Prejudice Based on Voluntary Settlement and an accompanying Confidential Settlement Agreement, Waiver and General Release. Although Part 24 regulations do not contain any provision relating to dismissal of a complaint by voluntary settlement, under the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges, 29 C.F.R. Part 18, which are controlling in the absence of a specific provision at Part 24, the parties in a proceeding before an administrative law judge may reach agreement on their own. 29 C.F.R. Part 18.9(a)-(c).

Under the terms of the instant settlement agreement, the respondent agrees to pay complainant a stated sum in consideration of releases and discharges stated therein. With respect to paragraph 11 of the Confidential Settlement Agreement, Waiver and General Release, it is noted that the parties have attempted to comply with applicable case law by specifically providing that the terms of the Agreement shall be held in the strictest confidence to the fullest extent permitted by law.

Having fully reviewed the Settlement Agreement in accordance with applicable precedent, I find that its terms are fair, adequate and a reasonable settlement to the complaints. Accordingly,

ORDER

IT IS HEREBY ORDERED that the Motion to Dismiss With Prejudice Based on Voluntary Settlement is GRANTED.

IT IS FURTHER ORDERED that the hearing scheduled to commence on April 1, 2002 and continuing as necessary to April 5, 2002 is hereby cancelled.

AND IT IS FURTHER ORDERED that the Confidential Settlement Agreement, Waiver and General Release is APPROVED and the instant complaints are DISMISSED WITH PREJUDICE.

A
DANIEL L. LELAND
Administrative Law Judge

DLL/lab

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. § 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210. Such petitions for review must be received by the Administrative Review Board within ten (10) business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. *See* 29 C.F.R. §§ 24.7 and 24.8.